

**Executive Summary – Enforcement Matter – Case No. 45067**  
**RODELL WATER SYSTEM, INC.**  
**RN105061436**  
**Docket No. 2014-1788-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Rodell Water Supply, located on Highway 79, southwest of Buffalo, Leon County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 17, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$4,558

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$4,558

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$48

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 13, 2014

**Date(s) of NOE(s):** December 2, 2014

**Executive Summary – Enforcement Matter – Case No. 45067**  
**RODELL WATER SYSTEM, INC.**  
**RN105061436**  
**Docket No. 2014-1788-PWS-E**

***Violation Information***

1. Failed to provide an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
2. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].
3. Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L") [30 TEX. ADMIN. CODE § 290.110(d)(1)].
4. Failed to provide increased pressure by means of booster pumps taking suction from ground storage tanks or obtain an exception by acquiring plan approval from the Executive Director for a booster pump taking suction from the distribution lines [30 TEX. ADMIN. CODE § 290.44(d)(2) and TCEQ Agreed Order Docket No. 2012-1946-MLM-E, Ordering Provision No. 2.f.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On October 17, 2014 the Respondent submitted a copy of the service agreement for the connection at 2307 County Road 3282.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 10 days, begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days;
- b. Within 25 days, submit written certification to demonstrate compliance with Ordering Provision a.;
- c. Within 60 days, begin testing the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L using an approved method;
- d. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision c.;
- e. Within 180 days, install ground storage and pumping facilities to meet pressure requirements for all parts of the distribution system or obtain an exception to the rule; and

**Executive Summary – Enforcement Matter – Case No. 45067**  
**RODELL WATER SYSTEM, INC.**  
**RN105061436**  
**Docket No. 2014-1788-PWS-E**

f. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision e.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Steven Torno, Vice President, RODELL WATER SYSTEM, INC., P.O. Box 324, Buffalo, Texas 75831  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	1-Dec-2014	<b>Screening</b>	2-Dec-2014	<b>EPA Due</b>	
	<b>PCW</b>	2-Dec-2014				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	RODELL WATER SYSTEM, INC.		
<b>Reg. Ent. Ref. No.</b>	RN105061436		
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45067	<b>No. of Violations</b>	4
<b>Docket No.</b>	2014-1788-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,230
---	-------------------	---------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	40.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,292
---------------------------	-------------------	--------------------------------	---------

Notes: Enhancement for two agreed orders with a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$12
--	-------------------	-------

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts \$984  
Estimated Cost of Compliance \$5,505

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,510
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$4,510
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,558
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
-----------------	----------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$4,558
------------------------	---------

Screening Date 2-Dec-2014

Docket No. 2014-1788-PWS-E

PCW

Respondent RODELL WATER SYSTEM, INC.

Policy Revision 4 (April 2014)

Case ID No. 45067

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105061436

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for two agreed orders with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 40%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 40%

Screening Date 2-Dec-2014

Docket No. 2014-1788-PWS-E

PCW

Respondent RODELL WATER SYSTEM, INC.

Policy Revision 4 (April 2014)

Case ID No. 45067

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105061436

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(i)

Violation Description

Failed to provide an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, it was documented that the Respondent did not obtain a customer service agreement for the connection at 2307 County Road 3282.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

4 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

## Good Faith Efforts to Comply

25.0%

Reduction \$12

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on October 17, 2014.

Violation Subtotal \$38

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$58

This violation Final Assessed Penalty (adjusted for limits) \$58

# Economic Benefit Worksheet

**Respondent** RODELL WATER SYSTEM, INC.  
**Case ID No.** 45067  
**Reg. Ent. Reference No.** RN105061436  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	13-Oct-2014	17-Oct-2014	0.01	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an adequate plumbing ordinance or service agreement, calculated from the date of the investigation to the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$0



Screening Date 2-Dec-2014

Docket No. 2014-1788-PWS-E

PCW

Respondent RODELL WATER SYSTEM, INC.

Policy Revision 4 (April 2014)

Case ID No. 45067

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105061436

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)

## Violation Description

Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, it was documented that the disinfectant residual had not been timely monitored once every seven days during the months of October 2013, December 2013, January 2014, June 2014, and July 2014.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to timely monitor the disinfectant residual once every seven days could expose customers of the Facility to an insignificant amount of bacteriological contamination which would not exceed levels that are protective of human health.

Adjustment \$970

\$30

## Violation Events

Number of Violation Events 5

50 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Five single events are recommended (one event per month).

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith effort criteria for this violation.

Violation Subtotal \$150

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$250

# Economic Benefit Worksheet

**Respondent** RODELL WATER SYSTEM, INC.  
**Case ID No.** 45067  
**Reg. Ent. Reference No.** RN105061436  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	1-Oct-2013	10-Feb-2015	1.36	\$1	\$23	\$24
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to begin timely performing monitoring of the disinfectant residual once every seven days, calculated from the first date the violation began to the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$24

Screening Date 2-Dec-2014

Docket No. 2014-1788-PWS-E

PCW

Respondent RODELL WATER SYSTEM, INC.

Policy Revision 4 (April 2014)

Case ID No. 45067

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105061436

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.110(d)(1)

Violation Description

Failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L"). Specifically, a ExStik CL200A Total Residual Chlorine Tester was used to measure the free chlorine residual which is not an approved method.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Failure to have a proper chlorine residual test kit could prevent the Facility from accurately measuring the disinfectant residual, which could result in customers of the Facility being exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

## Violation Events

Number of Violation Events 1

50 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$30

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$30

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$42

This violation Final Assessed Penalty (adjusted for limits) \$50

# Economic Benefit Worksheet

**Respondent** RODELL WATER SYSTEM, INC.  
**Case ID No.** 45067  
**Reg. Ent. Reference No.** RN105061436  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$75	13-Oct-2014	1-Mar-2015	0.38	\$0	\$2	\$2
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain an approved test kit for measuring the free chlorine residual, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75

**TOTAL**

\$2

Screening Date 2-Dec-2014  
Respondent RODELL WATER SYSTEM, INC.  
Case ID No. 45067

Docket No. 2014-1788-PWS-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN105061436  
Media [Statute] Public Water Supply  
Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.44(d)(2) and TCEQ Agreed Order Docket No. 2012-1946 MLM-E, Ordering Provision No. 2.f.

Violation Description

Failed to provide increased pressure by means of booster pumps taking suction from ground storage tanks or obtain an exception by acquiring plan approval from the Executive Director for a booster pump taking suction from the distribution lines.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to operate the Facility with adequate storage prior to the point of suction may result in backflow problems and low pressure which could expose customers of the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 20

604 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Twenty monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2012-1946-MLM-E, April 7, 2013, to the screening date, December 2, 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$958

Violation Final Penalty Total \$4,200

This violation Final Assessed Penalty (adjusted for limits) \$4,200

## Economic Benefit Worksheet

**Respondent** RODELL WATER SYSTEM, INC.  
**Case ID No.** 45067  
**Reg. Ent. Reference No.** RN105061436  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	7-Apr-2013	1-Jan-2016	2.74	\$46	\$912	\$958
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to provide additional storage so that increased pressure can be obtained by means of booster pumps taking suction from a storage tank, calculated from the effective date of TCEQ Agreed Order Docket No. 2012-1946-MLM-E, to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$958

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603451816, RN105061436, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN603451816, RODELL WATER SYSTEM, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN105061436, RODELL WATER SUPPLY **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** HWY 79, SOUTHWEST OF BUFFALO, IN LEON COUNTY, TEXAS

**TCEQ Region:** REGION 09 - WACO

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1450032

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** December 02, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 02, 2009 to December 02, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** EPI VILLARREAL

**Phone:** (361) 825-3425

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

1 Effective Date: 04/07/2013 ADMINORDER 2012-1946-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to develop, maintain on hand, and make available to the Executive Director upon request an accurate and up-to-date chemical and microbiological monitoring plan that includes but is not limited to identifying all sampling locations that are representative of the distribution system, describing the sampling frequency, and specifying the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)

Description: Failure to flush dead-end mains at regular monthly intervals.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(3)

Description: Failure to have a water purchase contract that establishes the maximum rate at which water may be drawn on a daily and hourly basis, or in the absence of specific maximum daily or maximum hourly rates in the contract shall

provide for a uniform purchase rate for the contract period.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)

Description: Failure to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. microbial samples at representative locations within the distribution system.

Classification: Minor

Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)

30 TAC Chapter 288, SubChapter B 288.20(a)

30 TAC Chapter 288, SubChapter C 288.30(5)(B)

Description: Failure to have an Agency adopted Drought Contingency Plan.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)

Description: Failure to provide increased pressure by means of booster pumps taking suction from ground storage tanks or obtain an exception by acquiring plan approval by the Executive Director for a booster pump taking suction from the distribution lines.

2

Effective Date: 03/09/2014 ADMINORDER 2013-1843-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2012 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2012 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)



30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2010 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2010 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2010 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2010 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2010 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2010 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2009 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2009 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)

Description: DBP1 MR YR2012 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: PbCu IN MR 1st 6M2013 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2013 to 06/30/2013 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: PbCu IN MR 2nd 6M2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 07/01/2011 to 12/31/2011 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: PbCu IN MR 1st 6M2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the initial six-month monitoring period from 01/01/2011 to 06/30/2011 within the required timeline.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## **Component Appendices**

### **Appendix A**

#### **All NOVs Issued During Component Period 12/2/2009 and 12/2/2014**

1

Date:	11/22/2011	(958029)	CN603451816	Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a) 30 TAC Chapter 290, SubChapter F 290.121(b)				
Description:	Failure to develop, maintain on hand, and make available to the Executive Director upon request an accurate and up-to-date chemical and microbiological monitoring plan that includes but is not limited to identifying all sampling locations that are representative of the distribution system, describing the sampling frequency, and specifying the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.				
				Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)				
Description:	Failure to have records available at the time of an inspection.				
				Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter D 290.46(w)				
Description:	Failure to have an internal procedure to notify the TCEQ of an event that may negatively impact the water system.				
				Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter D 290.46(l)				
Description:	Failure to flush dead-end mains at regular monthly intervals.				
				Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)				
Description:	Failure to have a Plant Operations Manual.				
				Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)(3)				
Description:	Failure to have a water purchase contract that establishes the maximum rate at which water may be drawn on a daily and hourly basis, or in the absence of specific maximum daily or maximum hourly rates in the contract shall provide for a uniform purchase rate for the contract period.				
				Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)				
Description:	Failure to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. microbial samples at representative locations within the distribution system.				
				Classification:	Minor
Self Report?	NO	For Informational Purposes Only			
Citation:	2B TWC Chapter 11, SubChapter A 11.1272(c) 30 TAC Chapter 288, SubChapter B 288.20(a) 30 TAC Chapter 288, SubChapter C 288.30(5)(B)				
Description:	Failure to have an Agency adopted Drought Contingency Plan.				
				Classification:	Moderate
Self Report?	NO	For Informational Purposes Only			
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)(2)				
Description:	Failure to provide increased pressure by means of booster pumps taking suction from ground storage tanks or obtain an exception by acquiring plan approval by the Executive Director for a booster pump taking suction from the distribution lines.				

\* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

### **Appendix B**

**All Investigations Conducted During Component Period December 02, 2009 and December 02, 2014**

Item 1	January 15, 2010**	(787488) For Informational Purposes Only
Item 2	November 17, 2011**	(958029) For Informational Purposes Only
Item 3	January 27, 2012**	(981880) For Informational Purposes Only
Item 4	June 06, 2012**	(995351) For Informational Purposes Only
Item 5	September 17, 2012**	(1023902) For Informational Purposes Only
Item 6	August 30, 2013**	(1114313) For Informational Purposes Only
Item 7	November 25, 2014	(1209413) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RODELL WATER SYSTEM, INC.  
RN105061436**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-1788-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding RODELL WATER SYSTEM, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located on Highway 79, southwest of Buffalo, Leon County, Texas (the "Facility") that has approximately 77 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on October 13, 2014, TCEQ staff documented that the Respondent did not obtain a customer service agreement for the connection at 2307 County Road 3282.
3. During an investigation conducted on October 13, 2014, TCEQ staff documented that the disinfectant residual had not been timely monitored once every seven days during the months of October 2013, December 2013, January 2014, June 2014, and July 2014.
4. During an investigation conducted on October 13, 2014, TCEQ staff documented that an ExStik CL200A Total Residual Chlorine Tester was used to measure the free chlorine residual which is not an approved method.
5. During an investigation conducted on October 13, 2014, TCEQ staff documented that the Respondent did not provide increased pressure by means of booster pumps taking suction from ground storage tanks or obtain an exception by acquiring plan approval from the Executive Director for a booster pump taking suction from the distribution lines.
6. The Respondent received notice of the violations on December 17, 2014
7. The Executive Director recognizes that on October 17, 2014 the Respondent submitted a copy of the service agreement for the connection at 2307 County Road 3282.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L"), in violation of 30 TEX. ADMIN. CODE § 290.110(d)(1).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to provide increased pressure by means of booster pumps taking suction from ground storage tanks or obtain an exception by acquiring plan approval from the Executive Director for a booster pump taking suction from the distribution lines, in violation of 30 TEX. ADMIN. CODE

§ 290.44(d)(2) and TCEQ Agreed Order Docket No. 2012-1946-MLM-E, Ordering Provision No. 2.f.

6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Four Thousand Five Hundred Fifty-Eight Dollars (\$4,558) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Four Thousand Five Hundred Fifty-Eight Dollar (\$4,558) administrative penalty.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand Five Hundred Fifty-Eight Dollars (\$4,558) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: RODELL WATER SYSTEM, INC., Docket No. 2014-1788-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order, begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110.
  - b. Within 25 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include

detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;

- c. Within 60 days after the effective date of this Agreed Order, begin testing the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L using an approved method, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.;
- e. Within 180 days after the effective date of this Agreed Order, install ground storage and pumping facilities to meet pressure requirements for all parts of the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.44, or obtain an exception to the rule, in accordance with 30 TEX. ADMIN. CODE § 290.39. The exception request should be submitted to:

Utilities Technical Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

6/24/15  
Date

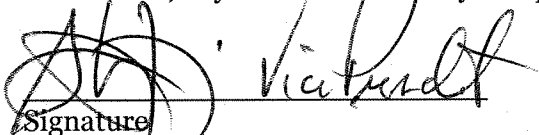
I, the undersigned, have read and understand the attached Agreed Order in the matter of RODELL WATER SYSTEM, INC. I am authorized to agree to the attached Agreed Order on behalf of RODELL WATER SYSTEM, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, RODELL WATER SYSTEM, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

3-17-15  
Date

STEVEN TORNO

Name (Printed or typed)  
Authorized Representative of  
RODELL WATER SYSTEM, INC.

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order